

Application No.: 09/461,625  
Amendment After Final dated May 27, 2008  
Reply to Office Action dated January 24, 2008

**REMARKS/ARGUMENTS**

Claims 2-21, 23-31 and 33-56 are pending. Claims 2-21, 23-25, 33-35, 42 and 43 are rejected. Claims 26-31, 36-41 and 45-56 are objected to. In this Amendment, claims 26-31 and 36-41 are cancelled without prejudice or disclaimer; Applicants reserve the right to continue the subject matter of all claims, including the aforementioned cancelled claims, in future continuing applications. Claims 1, 22 and 32 were previously cancelled.

Claims 2-21 and 42 are rejected under 35 U.S.C. § 101 and 35 U.S.C. § 112, first paragraph and second paragraph. Claims 2-4, 23-25, 33-35 and 42-44 are rejected under 35 U.S.C. §102(e) as being anticipated by Garney et al. (U.S. Patent No. 6,389,501) (hereinafter “Garney”). Claims 11-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Garney in view of Wooten (U.S. Patent No. 5,832,492) (hereinafter “Wooten”).

With regard to the double patenting objection, Applicants submit the cancellation of claims 26-31 and 36-41 render the objections moot; therefore, the objections should be withdrawn. Claims 45-56, containing subject matter previously indicated as allowable, should be allowed as well.

With regard to the §101 rejections, Applicants submit the Office Action’s assertion that claims 11, 16, and 42 are not directed to a practical application in the technology in the technological arts and do not produce a useful, concrete, and tangible result is incorrect. *See* Office Action dated 1/24/2008, page 3.

For example, claim 11 recites a method for communicating data between a host and an agent comprising receiving at a host controller from an agent a request to perform

transactions periodically with a first period generating a frame template including a first transaction to be performed between the host controller and a hub performing periodically the first transaction of the frame template with a second period that is less than or equal to half of the first period and storing a transaction result in a memory.

Applicants submit the usefulness, concreteness, and tangibility of, among other things, communicating data between a host and an agent, performing a first transaction utilizing at least a host controller and a hub, and storing a transaction result in a memory is readily apparent to one of skill in the art. However, for further support regarding the usefulness, concreteness, and tangibility of embodiments of the present application, please see at least page 4, lines 2-10 and page 20, line 1 – page 21, line 4 of the specification. The § 101 rejection of claim 11 is improper, as is the rejection of claims 16, and 42; the rejection should be withdrawn.

Applicants submit the cited references fail to teach or suggest at least “[a] method for communicating data between a host and an agent, the method comprising: performing a first transaction at a first time between a host controller and a hub, said first transaction initiated by said host controller; performing a second transaction between the hub and an agent based on the first transaction at the first time; repeating, by the host controller, the first transaction at a second time between the host controller and the hub...” (e.g., as described in claim 42).

The Office Action asserts Garney teaches performing a first transaction at a first time between a host controller (citing element 406) and a hub (citing element 404), said first transaction initiated by the host controller, citing col. 6, lines 40-50. The Office

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Action further asserts Garney teaches performing a second transaction between the hub (404) and an agent (citing element 402) based on the first transaction at the first time, citing column 6, line 50-53. *See* Office Action dated 1/24/2008, paragraph 6. Applicants disagree.

Column 6, lines 40-50 of Garney describe bus controller 406 transmitting a packet package 422 to store-and-forward hub 104' for buffering. Column 6, lines 50-53 describe store-and-forward hub 104' forwarding the packet package 422 to a low speed bus agent 402.

The Office Action further asserts Garney teaches repeating, by the host controller (406), the first transaction at a second time between the host controller (406) and the hub (404), citing column 6, lines 26-28 and column 6, lines 36-40. Applicants disagree.

Column 6, lines 26-28 state: "In other words, ... to accommodate the fact that bus agent 402 operates with a slower communication speed, hybrid peripheral bus 400 actually operates with two signaling domains 432 and 434, with signaling domain 432 operating at the faster communication speed and signaling domain 434 operating at the slower communication speed." The cited section describes the hybrid peripheral bus 400's use of two signaling domains to accommodate bus agent 402's need to use signaling domain 434, which operates at a slower speed. Column 6, lines 36-40 state:

To facilitate communications or transactions between host system 410 (e.g. on behalf of an application executing on host system 410) and bus agent 403, device driver 408 simply schedules transactions 428 for bus controller 406 to transmit, and conventional high speed repeater hub logic 407 to repeat (without buffering) for high speed bus agent 403.

The cited section describes communications between host system 410 and bus agent 403, wherein device driver 408 schedules bus controller 406 to transmit and *hub logic 407 to repeat* for high speed *bus agent 403*. Applicants submit the cited section is inadequate to support a proper rejection of claim 42 for at least the following reasons. The cited section is directed to bus agent 403. However, in its previous citations, the Office Action has cited to transactions allegedly involving bus 402 and sections describing transaction involving store-and-forward bus agent 104'. In order to support a proper rejection of claim 42, the cited section must teach or suggest at least performing a transaction between a host controller and a hub initiated by the host controller and repeating, *by the host controller, the same transaction between the host controller and the same hub*. The Office Action's current rejection has failed to do so. As such, the current rejection of claim 42 should be withdrawn.

The Office Action further asserts there is no clear recitation of the same transaction and the same hub in claim 42. It asserts in order to refer to the same event or the same transaction, the "said" term must be preceded. *See* Office Action dated 1/24/2008, paragraph 9. Applicants disagree. As recited above, claim 42 describes, among other things, a method for communicating data between a host and an agent, the method comprising: performing a first transaction at a first time between a host controller and a hub and repeating, by the host controller, the first transaction at a second time between the host controller and the hub. Applicants submit it is clear that from the text of claim 42 that the term "the" (the equivalent of the Office Action's preferred term "said") is used to refer to the previously described relevant limitation. Applicants maintain

Application No.: 09/461,625  
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Garney fails to teach or suggest at least performing a transaction between a host controller and a hub initiated by the host controller and repeating, *by the host controller*, the same transaction between the host controller *and the same hub*; therefore, the current rejection should be withdrawn.

Wooten fails to make up for the deficiencies of Garney. Wooten is directed towards managing scheduled transfers, specifically a method of linking lists of scheduled transfers. In Wooten, the host controller is primarily directed to set up lists of transactions for the host controller to operate on during serial bus frame intervals. There is, however, no description of repeating, by a host controller, a first transaction at a second time between the *same* host controller and the *same* hub that participated in the first transaction the first time, as described in embodiments of the present application.

Applicants respectfully submit that each and every element is not taught, suggested or disclosed by the cited references, and therefore the §102(e) rejection of claim 42 is lacking and should be withdrawn. Independent claims 11, 16, 43 and 44 include substantively similar limitations and therefore should be allowed for the same reasons. Claims 2-10, 12-15, 17-21, 23-31 and 33-41 depend from allowable independent claims, and therefore should be allowed as well.

For all the above reasons, the Applicants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application.

Application No.: 09/461,625  
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The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. **11-0600**.

Respectfully submitted,

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